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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO.236 OF 2007.
ALLAHABAD THIS THE 16TH DAY OF MARCH, 2007.
HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Surendra Kumar Singh
S/o Shri Harthar Singh,
R/o Mohalla-233-F, City Side Railway Colony, Kanpur
(City).

.....Applicant

(By Advocate: Sri RAKESH DIXIT)

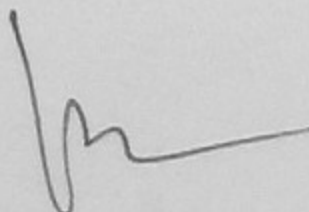
Versus.

1. Union of India through General Manager, North Central Railway, Head Quarter, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Senior Divisional Personnel Officer, North Central Railway, Allahabad.
4. Senior Deputy Commercial Manager, North Central Railway, Allahabad.

ORDER

Heard Sri Rakesh Dixit, learned counsel for the applicant on this O.A.

2. The applicant is challenging the transfer order dated 28.4.2006 (Annexure 1) by which he was shifted from Kanpur to Maikha as Senior Booking Clerk in the same grade, on administrative grounds. It is said that one employee of the same office lodged a false FIR against the applicant and on the basis thereof, the applicant was arrested and detained for few hours and on basis thereof, he was suspended. It is said that a criminal case is still pending. The applicant alleges that it was in that context that the impugned order of transfer was made. It is also said that applicant is under suspension since then. The ground taken in the application is that without ^{holding} ~~affording~~ an enquiry into the allegation made by the other persons and without giving an opportunity to the applicant to meet the same, ~~he~~ ^{he} could not have been transferred in this way on administrative ground. 9

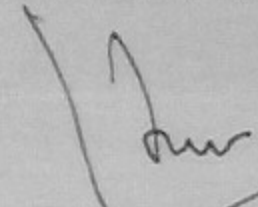


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3. What surprising is that the applicant is coming after almost 11 months of the said transfer. Secondly, it is a well established that in transfer matters that too on administrative grounds, the Courts and Tribunals do not normally interfere unless ofcourse the same is punitive in nature or is actuated by malice etc. or is in the breach of any express statutory Rule or Guidelines. In the circumstances the argument that enquiry into the allegations ought to have been made, before transfer, does not appeal at all.

4. In case the applicant has any grievance, he can make representation to the transferring Authority and thereupon, that authority may consider the matter as per Rules. The O.A finally disposed of with ^{These observations} the above direction. No costs.


Vice-Chairman 16/3/07

Manish/-